



BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, DC

JOHN C. MALONEY, JR.
Attorney at Law

One Jefferson Road
Parsippany, NJ 07054-2891

T: (973) 966 8180 F: (973) 206 6638
jmaloney@daypitney.com

August 19, 2011

VIA ECF

The Honorable Mary L. Cooper
U. S. District Court, District of New Jersey
Clarkson S. Fisher Federal Building
& U. S. Courthouse
402 E. State Street, Room 5000
Trenton, New Jersey 08608

**Re: Lay v. Modell's Sporting Goods, et al.
Consent Order Dismissing Claims Against Wellpower
Civil Action No.: 09-CV-04009**

Dear Judge Cooper:

We represent Third-Party Defendant Wellpower Sporting Goods Co., Ltd. ("Wellpower") (incorrectly identified as Wellpower Sports Co. Limited) in the above-referenced action. All the parties in the lawsuit have agreed to dismiss their claims against Wellpower without prejudice. Counsel for all parties have signed the enclosed proposed Consent Order Dismissing Third-Party Complaint against Wellpower without prejudice

If the proposed Consent Order is satisfactory to Your Honor, we respectfully request that Your Honor sign and enter it.

Respectfully submitted,

/s/John C. Maloney Jr.

JOHN C. MALONEY, JR.

JCM/af
Enclosure

cc: Richard E. Barber, Esq.
Edward Slaughter, Esq.
Patrick J. McStravick, Esq.
Martin M. Adler, Esq.